United Nations S/2012/225

Security Council

Distr.: General
16 April 2012

Original: English

Letter dated 14 April from the Chargé d'affaires a.i. of the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

I have the honour to refer to the Security Council's recent discussions on the situation in Sudan and South Sudan, including the closed consultations held on 11 April. On behalf of the Republic of South Sudan, I wish to state my Government's position with regard to the latest escalation of violence between the two countries.

My Government does not wish to see a return to war, which would be devastating for both countries and for our peoples. We support fully the calls from the Security Council, the African Union and the United Nations Secretary-General, among others, for a complete and immediate end to all fighting. This can only come about if the outstanding issues between Sudan and South Sudan, including border demarcation and Abyei, are resolved immediately. Also, the unimplemented provisions of the Comprehensive Peace Agreement related to the Two Areas must be addressed through negotiations which include all relevant parties in Sudan. All of this will require a renewed and high-profile international effort to provide urgent support to the negotiation process led by the African Union High-level Implementation Panel (AUHIP), leading to a comprehensive agreement on these matters and internationally monitored processes to guarantee their successful implementation.

As you are aware, in late March the Sudan Armed Forces launched southward attacks on Sudan People's Liberation Army (SPLA) forces in the border areas from their bases in and around Panthou (Heglig). SPLA forces repulsed these attacks, advancing into the Heglig area on 26 March. It was at this time that South Sudan discovered that Sudan had been constructing a new tie-in pipeline from Heglig to oilfields in Toma South and Naar in Unity State, South Sudan. The intention was to connect this new pipeline illegally to South Sudan's oil wells in Unity State. Despite these unwelcome developments, SPLA forces withdrew from Heglig on 28 March back to their original positions, in an effort to allow these latest challenges to be addressed through the negotiation process in Addis Ababa.

The African Union High-level Implementation Panel, under the leadership of President Thabo Mbeki, convened a second extraordinary meeting of the Joint Political and Security Mechanism, to begin on 30 March and to be held at the level of the two countries' Defence Ministers. We note that the Sudanese Defence

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Minister did not arrive in Addis Ababa until three days after the date on which the meeting had originally been convened.

At the end of the meeting of the Joint Political and Security Mechanism, and at the request of the parties, President Mbeki proposed a joint decision for the reduction of tension between the Republic of the Sudan and the Republic of South Sudan, which among other things reaffirmed the 10 February 2012 Memorandum of Understanding on Non-Aggression and Cooperation as the overarching agreement guiding all security-related issues between the two States. The joint decision also required: an immediate cessation of hostilities between the two States; the withdrawal of any armed forces of each State that may be in the territory of the other State; the establishment of verification mechanisms, including the joint border verification and monitoring mission, to be supported by the United Nations Interim Security Force for Abyei; and the launching of preparations for the presidential summit meeting originally to be held in Juba on 3 April 2012.

As noted in the AUHIP 4 April press statement, the delegation of the Republic of South Sudan accepted the AUHIP draft proposed joint decision, and the Panel commended the delegation for its timely decision. South Sudan recommits itself to the provisions of this proposed joint decision, including its full respect for the 10 February Memorandum of Understanding on Non-Aggression and Cooperation, and the agreements of 29 June 2011 and 30 July 2011, which commit the parties to the creation of a safe demilitarized border zone. Unfortunately, the delegation of the Government of the Republic of the Sudan did not accept the 4 April AUHIP proposal, and asked for the opportunity to undertake further consultations in Khartoum before finalizing its position.

To further demonstrate South Sudan's peaceful intentions, President Kiir stated categorically on 3 April that the armed forces of the Republic of South Sudan were ready to defend their country, but would not go on the offensive. However, since the conclusion of the last round of talks in Addis Ababa on 4 April, SPLA forces inside South Sudan have come under repeated attack from the Sudan Armed Forces in and around Heglig. On 10 April, the Sudan Armed Forces launched another attack from the Heglig area. South Sudan had no choice but to defend itself — as would any other State — and SPLA forces moved back into Heglig to deter further attacks against South Sudanese territory.

I wish to underline that there is widespread misunderstanding with regard to the status of Heglig. In July 2009, the Permanent Court of Arbitration defined the boundaries of the Abyei Area and placed Heglig outside of the Abyei Area. This has been misunderstood to mean that Heglig is definitively inside the Republic of the Sudan. However, the Court did not rule on the border between north and south — it ruled only on the boundaries of the Abyei Area. South Sudan accepted, and continues to accept, the Court's ruling as it applies to the Abyei Area. However, both Sudan and South Sudan maintain that the north/south border is not yet fully agreed, and specifically, both sides claim Heglig as being within their territory. For this reason, South Sudan has always contended that Heglig is one of the disputed areas. It is the position of South Sudan that the 1/1/56 border, which under the terms of the Comprehensive Peace Agreement is the basis for the north/south border, in fact lies well to the north of Heglig. It was only much later, once oil was discovered in this region, that successive Governments in Khartoum sought to shift the north/south boundary southwards. For example, then Minister of Federal Affairs,

Nafie Ali Nafie, signed a document on 14 June 2004 informing the then Governor of Unity State that the Heglig region did not belong to Unity State in the south but rather to Western Kordofan State in the north. This demonstrates the ongoing competing claims about this area.

Since 10 April, the Sudan Armed Forces warplanes have continued to conduct aerial bombardments of South Sudan. At 1.30 p.m. local time today, 14 April, a Sudan Armed Forces MiG-29 bombed Bentiu town in Unity State, killing five civilians, wounding six others and destroying the Bentiu market. The Sudan Armed Forces also released three bombs today on Bentiu Bridge, aiming to destroy the path between Bentiu and Rubkotna, where one civilian was killed near the bridge. Two bombs were also dropped on Abiemnhon, in Upper Nile State today. A Sudan Armed Forces Antonov plane dropped two bombs on Ajakkuach in Warrap State, and the Sudan Armed Forces also conducted aerial bombardment of Majoknhom in Warrap State today. Lastly, bombs were dropped today on Panakuach village in Unity State, and five civilians were wounded. South Sudan strongly condemns these indiscriminate attacks on civilian areas, and it calls upon the Security Council, as well as the international community at large, to continue to demand the immediate cessation of these bombings in order to protect civilian lives.

This background notwithstanding, the Republic of South Sudan believes that final border demarcation, along with the other outstanding issues, should be addressed through the negotiations facilitated by AUHIP and specifically that the definition of all the remaining disputed areas must now be directed to international arbitration. South Sudan is prepared to withdraw its forces from Heglig, as long as an internationally monitored mechanism is put in place to guarantee that the area cannot be used to launch further attacks against South Sudan. We also urge the Council to consider the deployment of neutral forces to Heglig until the parties reach a final settlement on the disputed areas.

South Sudan reiterates its standing invitation to President Bashir to attend a presidential summit at which all outstanding issues can be discussed and resolved in a definitive manner. South Sudan is prepared to host such a summit or to participate in one held in a neutral location. We submit that the purpose of such a summit must be for both States to recommit to the full implementation of the Comprehensive Peace Agreement and agree to a comprehensive framework and clear timeline for resolving all outstanding issues in a comprehensive manner, including security, borders and Abyei.

The international community must also continue to support a negotiated solution between the Government of the Sudan and those who maintain legitimate grievances in the Two Areas regarding the incomplete implementation of the Comprehensive Peace Agreement. South Sudan will continue to support such a solution, as we share a keen interest in resolving outstanding Comprehensive Peace Agreement issues relating to the Two Areas. Nevertheless, negotiations to reach a settlement on the matter of Southern Kordofan and Blue Nile, like Darfur, must be between the Government of the Sudan and the affected people in those areas. We further note that much of the violence in the border areas between Sudan and South Sudan is being driven by Khartoum's unwillingness to negotiate with the parties to the dispute in the Two Areas, as well as its refusal to implement previous agreements on Abyei. South Sudan supports the Security Council's call for an urgent redeployment of security forces from the Abyei Area in accordance with the

agreement of 20 June 2011 and Security Council resolution 1990 (2011). South Sudan notes that the Sudan Armed Forces still occupy the Abyei Area, following the expulsion of over 110,000 local residents in May 2011, which involved the widespread looting of property and the destruction of livelihoods.

It is now urgent that the parties meet at the highest levels to address these issues. The Republic of South Sudan is prepared to resume negotiations immediately, and hereby recommits itself fully to the agreed African Union principle of two mutually viable States living side by side in peace. As South Sudan has declared repeatedly, this mutual viability will be based not just on the economic stability of both States, but also on the security of each State's respective borders.

I would be most grateful if the present letter could be transmitted to the members of the Security Council as a document.

(*Signed*) Agnes Adlino Orifa **Oswaha**
Chargé d'affa.res a.i.